

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ZENENG LIANG,

Plaintiff,

v.

EMILIA BARDINI,

Defendant.

Case No. 1:24-cv-00769-KES-SKO

**FINDINGS AND RECOMMENDATION
TO DISMISS CASE FOR FAILURE TO
COMPLY WITH COURT ORDER AND
TO PROSECUTE**

(Doc. 14)

14-DAY DEADLINE

Plaintiff, proceeding *pro se*, filed the complaint in this action on April 23, 2024. (Doc. 1)

On October 25, 2024, the undersigned issued an order directing Plaintiff to file proof of service and/or a status report indicating whether they contend to continue to prosecute this case by no later than January 23, 2025. (Doc. 13.) On January 29, 2025, the undersigned issued an order to show cause within twenty-one days as to why, as of that date, Plaintiff had not filed proof of service, a status report, or requested an extension of time within which to do so. (Doc. 14.) Although more than the allowed time has passed, Plaintiff has not responded to the order to show cause. (*See generally* Docket.)

The Local Rules, corresponding with Federal Rule of Civil Procedure 11, provide that “[f]ailure of counsel or of a party to comply with . . . any order of the Court may be grounds for the imposition by the Court of any and all sanctions . . . within the inherent power of the Court.” E.D. Cal. L.R. 110. “District courts have inherent power to control their dockets” and, in exercising that

1 power, may impose sanctions, including dismissal of an action. *Thompson v. Housing Auth., City*
2 *of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party's
3 failure to prosecute an action, obey a court order, or comply with local rules. *See, e.g., Malone v.*
4 *U.S. Postal Service*, 833 F.2d 128, 130–31 (9th Cir. 1987) (dismissal for failure to comply with a
5 court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to
6 prosecute and to comply with local rules).

7 It appears that Plaintiff has abandoned this action. Whether he has done so mistakenly or
8 intentionally is inconsequential. It is Plaintiff's responsibility to comply with the Court's orders.

9 Based on the foregoing, the undersigned RECOMMENDS that this action be DISMISSED
10 for failure to prosecute and for failure to comply with a court order.

11 These Findings and Recommendations will be submitted to the United States District Judge
12 assigned to this case, pursuant to 28 U.S.C. § 636(b)(1). **Within 14 days** of the date of service of
13 these Findings and Recommendations, Plaintiff may file written objections with the Court. The
14 document should be captioned, "Objections to Magistrate Judge's Findings and
15 Recommendations." Plaintiff's failure to file objections within the specified time may result in
16 waiver of his rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014) (citing
17 *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

18 IT IS SO ORDERED.

19 Dated: **August 1, 2025**

20 */s/ Sheila K. Oberto*
21 UNITED STATES MAGISTRATE JUDGE